

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JON Q. WRIGHT and JQ LICENSING, LLC,

Plaintiff,

v.

Case No: 3:22-cv-347

ROBERT SNIDER d/b/a TRAPPERS POINT
CAMP, STRATFORD SIGN COMPANY, LLC,
DOES 1-5,

Defendants.

**DEFENDANT ROBERT SNIDER d/b/a TRAPPERS POINT CAMP'S ANSWER TO
COMPLAINT**

NOW COMES Defendant, Robert Snider d/b/a Trappers Point Camp, (hereinafter "Defendant"), by and through his attorneys, Wilson Elser Moskowitz Edelman and Dicker, LLP, and hereby answers Plaintiff's Complaint as follows:

INTRODUCTION

1. Answering Paragraph 1, this Defendant denies any and all allegations contained herein.

THE PARTIES

2. Answering Paragraph 2, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

3. Answering Paragraph 3, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

4. Answering Paragraph 4, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

5. Answering Paragraph 5, deny. Affirmatively state that this Defendant is domiciled

in the Country of Canada at the address 1 Trappers Point Rd., Savant Lake, Ontario P0V 2S0.

6. Answering Paragraph 6, admit that this Defendant is a co-owner and manager of Trappers Point Camp. As to any and all remaining allegations contained within this paragraph, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

7. Answering Paragraph 7, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

8. Answering Paragraph 8, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

9. Answering Paragraph 9, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

10. Answering Paragraph 10, this Defendant denies any and all allegations contained herein.

JURISDICTION AND VENUE

11. Answering Paragraph 11, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

12. Answering Paragraph 12, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

13. Answering Paragraph 13, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

FACTS COMMON TO ALL CLAIMS

14. Answering Paragraph 14, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

15. Answering Paragraph 15, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

16. Answering Paragraph 16, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

17. Answering Paragraph 17, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

18. Answering Paragraph 18, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

19. Answering Paragraph 19, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

20. Answering Paragraph 20, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

21. Answering Paragraph 21, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

22. Answering Paragraph 22, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

23. Answering Paragraph 23, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

24. Answering Paragraph 24, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

25. Answering Paragraph 25, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

26. Answering Paragraph 26, this Defendant denies that they incorporated or infringed on any of Plaintiff's copyrights and puts Plaintiff to their strict proof thereof. Affirmatively, admit that Trapper's Point displayed a logo provided by Stratford Sign Company. As to any and all remaining allegations contained within this paragraph, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

27. Answering Paragraph 27, this Defendant denies that they infringed on any of Plaintiff's copyrights, and puts Plaintiff to their strict proof thereof. This Defendant affirmatively admits that there were communications regarding termination of the use of the Trapper's Point Camp logo. As to any and all remaining allegations contained herein, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

28. Answering Paragraph 28, admit that this Defendant purchased useable artwork from Stratford Sign Company. As to any and all remaining allegations contained herein, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

29. Answering Paragraph 29, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

30. Answering Paragraph 30, this Defendant denies any and all allegations contained herein.

31. Answering Paragraph 31, this Defendant denies that they infringed on any of Plaintiff's copyrights, and puts Plaintiff to their strict proof thereof. Admit that one of the images Plaintiff contained in this paragraph was the Trapper's Point logo. As to any and all remaining allegations contained herein, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

32. Answering Paragraph 32, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

33. Answering Paragraph 33, and answering all subparts a-e, this Defendant denies that they infringed on any of Plaintiff's copyrights, and puts Plaintiff to their strict proof thereof. As to any and all remaining allegations contained within this paragraph and its subparts, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said

allegations, and therefore denies.

34. Answering Paragraph 34, this Defendant denies any and all allegations contained herein.

35. Answering Paragraph 35, this Defendant denies any and all allegations contained herein.

36. Answering Paragraph 36, this Defendant denies any and all allegations contained herein.

37. Answering Paragraph 37, this Defendant denies that they infringed on any of Plaintiff's copyrights, and puts Plaintiff to their strict proof thereof. This Defendant further denies they were a cause of any of Plaintiff's alleged damages, statutory or otherwise. As to any and all remaining allegations contained herein, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

COUNT I
(COPYRIGHT INFRINGEMENT – 17 U.S.C. §101
Against All Defendants and Each)

38. Defendant incorporates their responses to Paragraphs 1-37 as though fully set forth herein.

39. Answering Paragraph 39, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

40. Answering Paragraph 40, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

41. Answering Paragraph 41, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

42. Answering Paragraph 42, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

43. Answering Paragraph 43, this Defendant lacks knowledge or information

sufficient to form a belief as to the truth of said allegations, and therefore denies.

44. Answering Paragraph 44, this Defendant denies any and all allegations contained herein.

45. Answering Paragraph 45, this calls for a legal conclusion and does not require an answer. To the extent that this Defendant is required to answer, this Defendant denies that they infringed on any of Plaintiff's copyrights, and puts Plaintiff to their strict proof thereof.

46. Answering Paragraph 46, this Defendant denies any and all allegations contained herein.

47. Answering Paragraph 47, this Defendant denies any and all allegations contained herein.

48. Answering Paragraph 48, this Defendant denies any and all allegations contained herein.

49. Answering Paragraph 49, this Defendant denies that they infringed on any of Plaintiff's copyrights, and puts Plaintiff to their strict proof thereof. This Defendant further denies they were a cause of any of Plaintiff's alleged damages, statutory or otherwise. As to any and all remaining allegations contained herein, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

50. Answering Paragraph 50, this Defendant denies any and all allegations contained herein.

51. Answering Paragraph 51, this Defendant denies they were a cause of any of Plaintiff's alleged damages, statutory or otherwise.

52. Answering Paragraph 52, this Defendant denies they were a cause of any of Plaintiff's alleged damages or that Plaintiff is entitled to any remedies, statutory or otherwise

COUNT II
(VICARIOUSLY/CONTRIBUTORY LIABILITY –
Against All Defendants and Each)

53. Defendant incorporates their responses to Paragraphs 1-52 as though fully set forth herein.

54. Answering Paragraph 54, this Defendant denies any and all allegations contained herein.

55. Answering Paragraph 55, this Defendant denies any and all allegations contained herein.

56. Answering Paragraph 56, this Defendant denies any and all allegations contained herein.

57. Answering Paragraph 57, this Defendant denies any and all allegations contained herein.

58. Answering Paragraph 58, this Defendant denies that they infringed on any of Plaintiff's copyrights, and puts Plaintiff to their strict proof thereof. This Defendant further denies they were a cause of any of Plaintiff's alleged damages or that Plaintiff is entitled to any remedies, statutory or otherwise. As to any and all remaining allegations contained herein, this Defendant lacks knowledge or information sufficient to form a belief as to the truth of said allegations, and therefore denies.

59. Answering Paragraph 59, this Defendant denies they were a cause of any of Plaintiff's alleged damages or that Plaintiff is entitled to any remedies, statutory or otherwise

PRAYER FOR RELIEF

Defendant denies Plaintiffs are entitled to any of the relief demanded in their Complaint, or any other relief whatsoever.

AFFIRMATIVE DEFENSES

In accordance with Federal Rule of Civil Procedure 8, Defendant seeks to provide fair

notice of its defenses to the claims asserted against it. As a matter of law, Plaintiff bears the burden of proof on many of the defenses set forth below, and their inclusion should not be construed as a concession that Defendant bears the burden of proof on any issue.

1. The Complaint, and each of its claims, fails to state a claim upon which relief can be granted.

2. Plaintiffs cannot assert a copyright infringement claim because the content at issue is in the public domain.

3. Plaintiffs' claims are barred by the doctrine of fair use.

4. Plaintiffs' claims are barred by the doctrine of de minimus use.

5. Plaintiffs' claims are barred because it forfeited their rights in the work.

6. Plaintiffs cannot assert a copyright infringement claim because the content at issue was not licensed by Plaintiffs.

7. Plaintiffs' claims must be dismissed because this Court lacks personal jurisdiction over this Defendant and Trappers Point Camp.

8. Plaintiffs' cannot assert a copyright infringement claim because the copyright was not properly registered.

9. Any recovery by Plaintiffs is barred because it would be inequitable for Plaintiffs to have any recovery in light of her unclean hands.

10. Plaintiff failed to mitigate its losses and damages, if any, complained of.

11. Plaintiffs' claims are barred by release and/or waiver.

12. Plaintiffs' claims are barred by the doctrine of estoppel.

13. Plaintiffs' claims are barred, in whole or in part, because Plaintiffs suffered no damages, or their damages, if any, are not of the nature and extent alleged.

15. Plaintiffs' claims are barred, in whole or in part, to the extent that they were not the owner of any exclusive right under 17 U.S.C. § 106 at the time of the alleged infringement.

16. Plaintiffs' claims are barred in whole or in part because Defendants' alleged conduct was innocent, in good faith, and not a willful infringement of any valid or enforceable

copyright or trademark.

17. Plaintiffs cannot assert a copyright infringement claim because the copyright is invalid.

18. Plaintiffs' claims are barred as it acquiesced to any alleged copyright infringement.

19. Plaintiffs are barred by 17 U.S.C. Section 412 from claiming statutory damages and/or attorney's fees in that any alleged acts of infringement occurred before first registration of the Plaintiff's alleged work.

20. Plaintiffs' claims are barred by the statute of limitations.

21. Defendant expressly reserves the right to allege additional affirmative defenses as discovered in in the course of litigation.

PRAYER FOR RELIEF

WHEREFORE, Defendant respectfully requests judgment as follows:

- A. Plaintiffs' Complaint and all claims for relief are dismissed with prejudice in its entirety;
- B. Plaintiffs take nothing by way of the Complaint;
- C. Defendant be granted judgment on its affirmative defenses;
- D. That Plaintiffs are not entitled to any injunctive relief, statutory damages; attorney's fees, or costs;
- E. Defendant be awarded its costs and expenses, including reasonable attorneys' fees; and
- F. Granting such other and further relief as the Court may deem just and proper.

DEFENDANT DEMANDS TRIAL BY A JURY OF TWELVE.

CROSS-CLAIM

NOW COMES Defendant, Robert Snider d/b/a Trappers Point Camp, by and through its attorneys, Wilson Elser Moskowitz Edelman & Dicker LLP, hereby alleges and shows to the Court, upon information and belief, a cross-claim against the co-Defendants, Stratford Sign Company, LLC and Does 1-5, as follows:

CONTRIBUTION AND/OR EQUITABLE INDEMNIFICATION OF LAW OR CONTRACT

1. This cross-claiming Defendant incorporates by reference its responses to Plaintiff's Complaint, together with all denials, partial denials, and affirmative defenses, as though fully set forth herein.

2. In the event that this Defendant is required to make payment to the Plaintiff for any of the claims alleged against Defendant, then and in that event, Defendant shall be entitled to contribution, indemnity, or any other right of reimbursement or recovery from the co-Defendants.

WHEREFORE, Defendant demands judgment dismissing Plaintiff's Complaint with all costs and disbursements in this action, or in the alternative, for judgment on their cross-claim against co-Defendants, Stratford Sign Company, LLC and Does 1-5.

Dated this 19th day of August, 2022.

/s/Andrew M. Scarpace
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